

REMARKS

Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Belkin et al. (U.S. Patent Number 6,567,912, hereinafter "Belkin"). Respectfully disagreeing with these rejections, reconsideration is requested by the applicants.

The applicants appreciate the Examiner's detailed response to our arguments filed on July 20, 2004. The Examiner asserts that one of ordinary skill in the art would know that the phrase "lock up the bus" means a situation where a bus is being shared among multiple devices, where a subset of the devices that use the bus occupy the entire bandwidth of the bus so that other devices cannot use it and are required to wait until the subset of devices has finished communication. However, the applicants strongly disagree with this assertion.

One of ordinary skill in the art reading the present application would see the following paragraph on the first page of the application (emphasis added):

The fixed network equipment (FNE) of today's wireless telecommunications systems is expected to provide services on the order of 99.999% of the time. Thus, the high availability systems that make up the FNE must be designed to handle the inevitable component failures with minimal impact to user services. One problem that can occur in high availability systems is the failure of device cards during power-up and initialization. Particularly, problematic are **failures that lock up** a common communication bus that serves many or all of the device cards in a system chassis. These failures effectively disable the entire system and are not remedied by re-initializing the system. Thus, the system is down until the device card can be manually replaced or at least removed, likely impacting user services for a significant period of time. Therefore, a need exists for a high availability system and method of initializing that address failures that lock up common communication buses in these systems.

Thus, having read the first page of the application, one of ordinary skill in the art would not conclude that locking up a bus was intended to refer to situations in which a subset of the devices that use the bus occupy the entire bandwidth of the bus so that other devices cannot use it and are required to wait until the subset of devices has finished communication. Rather, locking up the bus very clearly refers to situations in which a

malfunctioning device when powered up seizes the bus making it unusable by other devices. The bus is **not just busy**, as the Examiner asserts, **but it is locked up**. If the bus were merely busy, then it would only be a matter of waiting until the bus was no longer busy.

Independent claim 1 recites "when the first peripheral component, while initializing, **locks up a bus that the controller component and the plurality of peripheral components share**." Independent claim 8 recites "a bus to which the first peripheral and the second peripheral are connected; and... when the first peripheral, while initializing, **locks up the bus**." The Examiner appears to assert that the watch-dog timer expiring in Belkin teaches this claim language. However, Belkin discusses the buses in his system at column 1, lines 50 – 65, which reads as follows (emphasis added):

In FIG. 1, a block diagram of a computer system 100 having a controller and multiple devices in accordance with an embodiment of the invention is shown. The system 100 has an input device 102 coupled by a data bus and address bus to a controller 104 and a Random Access Memory 108 (RAM). The controller 104 is coupled to the input device 102, read only memory (ROM) 106, RAM 108, an activity or watch dog timer 110, device one 112, device two 114, and device three 116. In the current embodiment the devices are shown as residing within the system, but in alternate embodiments the devices may selectively be independent single board computers coupled to the controller by an external bus. The above elements are all coupled together by an address bus and a data bus. Additionally, stored in the RAM 106 is an area 118 for a plurality of boot routines 124, 128, 130, 132, boot marker 120, and a boot list table 122.

Although Belkin discusses buses in his system, the applicants do not understand Belkin to teach a bus locking up when a peripheral is initializing, as claimed. The applicants submit that Belkin is clearly addressing a different problem and providing a different solution than the present application addresses and provides.

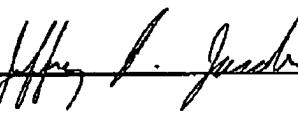
Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1 or 8, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a *prima facie* case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior

art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 -- Motorola, Inc.**

Respectfully submitted,
E. Benyukhis et al.

By: _____


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